

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ZSA ZSA HALL,

Defendant-Appellant.

UNPUBLISHED

July 30, 1999

No. 213299

Oakland Circuit Court

LC No. 96-149762 FH

Before: White, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted her plea based conviction for retail fraud, MCL 750.356c; MSA 28.588(3). Defendant was sentenced to six months to fifteen years' imprisonment as a fourth offense habitual offender. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant entered a conditional guilty plea pursuant to MCR 6.301(C)(2) thereby preserving for appeal her claim that the trial court erred in denying her motion to dismiss based on the 180-day rule. MCL 780.131(1); MSA 28.969(1)(1).

The 180-day rule does not require that trial commence within 180 days of arrest. Rather, if apparent good-faith action is taken well within that period and the prosecutor proceeds promptly toward readying the case for trial, the rule is satisfied. MCR 6.004(D); *People v Bell*, 209 Mich App 273, 278; 530 NW2d 167 (1995); *People v Bradshaw*, 163 Mich App 500, 505; 415 NW2d 259 (1987). Apparently, the prosecutor was not aware of defendant's incarceration in a state facility until defendant filed her motion to dismiss, at which point the prosecutor proceeded to move the case to trial.

The purpose of the 180-day rule is to dispose of untried charges against prison inmates so that sentences may run concurrently. *People v McCullum*, 201 Mich App 463, 465; 507 NW2d 3 (1993). That purpose does not apply in the present case where defendant was on parole at the time she committed the instant offense. Defendant's sentence was required to be consecutive to her prior sentence under MCL 769.7a(2); MSA 28.1030(1)(2). *Wayne Co Prosecutor v Dep't of*

Corrections, 451 Mich 569, 577-580; 548 NW2d 900 (1996). Accordingly, the trial court did not err in denying defendant's motion to dismiss based on violation of the 180-day rule.

Defendant failed to preserve a speedy trial issue in her conditional guilty plea, and further review is waived. See *People v Lannom*, 441 Mich 490, 493-494; 490 NW2d 396 (1992).

We affirm.

/s/ Helene N. White

/s/ Jane E. Markey

/s/ Kurtis T. Wilder